

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JANET KAY WRIGHT VARGAS**  
**a.k.a. JANET KAY WRIGHT**  
**6425 Randall Court**  
**Pleasanton, CA 95566**

**Registered Nurse License No. 478083**  
**Public Health Nurse Certificate No. 49281**

Respondent

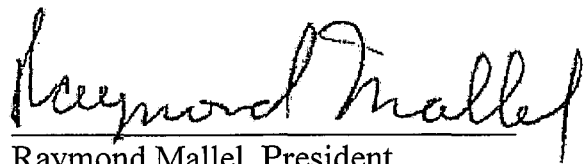
Case No. 2013-288

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **February 15, 2013.**

IT IS SO ORDERED **February 15, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-288

13 **JANET KAY WRIGHT VARGAS a.k.a.**  
14 **JANET KAY WRIGHT**  
15 **6425 Randall Court**  
16 **Pleasanton, CA 95566**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 **Registered Nurse License No. 478083**

18 **Public Health Nurse Certificate No. 49281**

19 **Respondent.**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
21 proceeding that the following matters are true:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
24 Registered Nursing. She brought this action solely in her official capacity and is represented in  
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Shana A. Bagley,  
26 Deputy Attorney General.

27 2. Janet Wright Vargas, a.k.a. Janet Kay Wright, (Respondent) is representing herself in  
28 this proceeding and has chosen not to exercise her right to be represented by counsel.

On or about March 31, 1992, the Board of Registered Nursing issued Registered  
Nurse License No. 478083 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2013-288 and will expire on  
2 December 31, 2013, unless renewed.

3 4. On or about July 30, 1992 The Board of Registered Nursing issued Public Health  
4 Nurse Certificate No. 49281 to Respondent. The Public Health Nurse Certificate was in full force  
5 and effect at all times relevant to the charges brought in this Accusation and will expire on  
6 December 31, 2013, unless renewed.

### 7 **JURISDICTION**

8 5. Accusation No. 2013-288 was filed before the Board of Registered Nursing (Board),  
9 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
10 and all other statutorily required documents were properly served on Respondent on October 12,  
11 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
12 Accusation No. 2013-288 is attached as exhibit A and incorporated by reference.

### 13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, and understands the charges and allegations in  
15 Accusation No. 2013-288. Respondent also has carefully read, and understands the effects of this  
16 Stipulated Surrender of License and Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
19 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
20 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
21 compel the attendance of witnesses and the production of documents; the right to reconsideration  
22 and court review of an adverse decision; and all other rights accorded by the California  
23 Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 478083 and Public Health Nurse Certificate No. 49281, issued to Respondent Janet Wright Vargas, a.k.a. Janet Kay Wright, are surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and Public Health Nurse Certificate and the acceptance of the surrendered license and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a registered nurse and public health nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license(s) and, if issued, her wall certificate(s), on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-288 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,257.51. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 2013-288 shall be  
2 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
3 Issues or any other proceeding seeking to deny or restrict licensure.

4 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
5 years from the effective date of the Board of Registered Nursing's Decision and Order.

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7 **ACCEPTANCE**

8 I have carefully read the Stipulated Surrender of License and Order. I understand the  
9 stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse  
10 Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly,  
11 and intelligently, and agree to be bound by the Decision and Order of the Board of Registered  
12 Nursing.

13  
14 DATED: 11-24-2012

  
15 JANET WRIGHT VARGAS (a.k.a.)  
16 JANET KAY WRIGHT  
17 Respondent

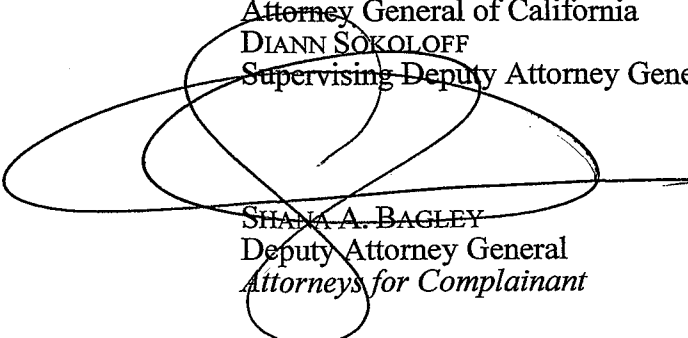
18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
20 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

21 Dated: 13 DECEMBER 2012

Respectfully submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 DIANN SOKOLOFF  
25 Supervising Deputy Attorney General

  
26 SHANA A. BAGLEY  
27 Deputy Attorney General  
28 Attorneys for Complainant

SF2012900973/ Stipulation.rtf

**Exhibit A**

**Accusation No. 2013-288**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-288**

13 **JANET KAY WRIGHT VARGAS a.k.a.**  
14 **JANET KAY WRIGHT**  
15 **90 Cameo Drive**  
16 **Livermore, CA 94550**

**A C C U S A T I O N**

17 **Registered Nurse License No. 478083**

18 **Public Health Nurse Certificate No. 49281**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about March 31, 1992, the Board of Registered Nursing issued Registered  
26 Nurse License Number 478083 to Janet Kay Wright Vargas, also known as Janet Kay Wright  
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
28 the charges brought in this Accusation and will expire on December 31, 2013, unless renewed.

///



3. On or about July 30, 1992 The Board of Registered Nursing issued Public Health Nurse Certificate No. 49281 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on December 31, 2013, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

9. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. Code section 2761 states, in part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . .

1 (d) Violating or attempting to violate, directly or indirectly, or assisting in  
2 or abetting the violating of, or conspiring to violate any provision or term of this  
3 chapter [the Nursing Practice Act] or regulations adopted pursuant to it. . . .

4 (f) Conviction of a felony or of any offense substantially related to the  
5 qualifications, functions, and duties of a registered nurse, in which event the record  
6 of the conviction shall be conclusive evidence thereof.

7 11. Code section 2762 states, in part:

8 In addition to other acts constituting unprofessional conduct within the  
9 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for  
10 a person licensed under this chapter to do any of the following: . . .

11 (b) Use any . . . alcoholic beverages, to an extent or in a manner dangerous  
12 or injurious to himself or herself, any other person, or the public or to the extent  
13 that such use impairs his or her ability to conduct with safety to the public the  
14 practice authorized by his or her license.

15 (c) Be convicted of a criminal offense involving the prescription,  
16 consumption, or self-administration of any of the substances described in  
17 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
18 record pertaining to, the substances described in subdivision (a) of this section, in  
19 which event the record of the conviction is conclusive evidence thereof.

20 12. Code section 2765 provides:

21 A plea or verdict of guilty or a conviction following a plea of nolo  
22 contendere made to a charge substantially related to the qualifications, functions  
23 and duties of a registered nurse is deemed to be a conviction within the meaning of  
24 this article. The board may order the license or certificate suspended or revoked,  
25 or may decline to issue a license or certificate, when the time for appeal has  
26 elapsed, or the judgment of conviction has been affirmed on appeal or when an  
27 order granting probation is made suspending the imposition of sentence,  
28 irrespective of a subsequent order under the provisions of Section 1203.4 of the  
Penal Code allowing such person to withdraw his or her plea of guilty and to enter  
a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
accusation, information or indictment.

13. Section 2770.11 of the Code states:

(a) Each registered nurse who requests participation in a diversion program  
shall agree to cooperate with the rehabilitation program designed by the committee  
and approved by the program manager. Any failure to comply with the provisions of  
rehabilitation program may result in termination of the registered nurse's participation  
in a program. The name and license number of a registered nurse who is terminated

1 for any reason, other than successful completion, shall be reported to the board's  
2 enforcement program.

3 (b) If the program manager determines that a registered nurse, who is denied  
4 admission into the program or terminated from the program, presents a threat to the  
5 public or his or her own health and safety, the program manager shall report the name  
6 and license number, along with a copy of all diversion records for that registered  
7 nurse, to the board's enforcement program. The board may use any of the records it  
8 receives under this subdivision in any disciplinary proceeding.

#### 9 REGULATORY PROVISIONS

10 14. California Code of Regulations, title 16, section 1444, states, in pertinent part:

11 A conviction or act shall be considered to be substantially related to the  
12 qualifications, functions or duties of a registered nurse if to a substantial degree it  
13 evidences the present or potential unfitness of a registered nurse to practice in a  
14 manner consistent with the public health, safety, or welfare. . . .

#### 15 COST RECOVERY

16 15. Code section 125.3 provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licensee found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case.

#### 20 FIRST CAUSE FOR DISCIPLINE

##### 21 (Unprofessional Conduct: Convictions of Substantially Related Crimes)

22 16. Respondent has subjected her registered nursing license and public health nurse  
23 certificate to discipline under Code sections 490 and 2761, subdivision (f), in that she was  
24 convicted of two crimes that are substantially related to the qualifications, functions, and duties of  
25 a Registered Nurse, within the meaning of California Code of Regulations, title 16, section 1444.  
26 The circumstances are as follows:

27 A. On or about July 15, 2007, in a prior criminal proceeding entitled *People v. Janet Kay*  
28 *Wright* in Alameda County Superior Court, Case Number 123326, Respondent was convicted by  
a guilty plea of violating Vehicle Code section 23152, subdivision (b), (Driving Under the  
Influence of Alcohol), a misdemeanor offense. Respondent also admitted that on or about

February 6, 1997, she was convicted of violating Vehicle Code section 23152, subdivision (a). Respondent was ordered to serve 30 days in county jail, 5 years of probation, complete an 18-month drinking driver program, pay fines, and to comply with other terms and conditions. The record of the criminal proceeding is incorporated as if fully set forth. The circumstances underlying the conviction are as follows:

i. On or about November 24, 2006, a Livermore Police Department officer responded to the report of a traffic collision. Respondent was driving northbound on First Avenue in Livermore, California, swerved, crossed a raised road divider into the southbound traffic, and collided with a pickup truck. The responding officer arrested Respondent for suspicion of driving under the influence of alcohol. The officer observed that Respondent appeared to be severely intoxicated and was in such a stupor that she was unable to provide a statement. Respondent's measured blood alcohol level was .34 percent.

## SECOND CAUSE FOR DISCIPLINE

### (Unprofessional Conduct: Use of Alcohol in a Dangerous Manner)

17. Respondent has subjected her registered nursing license and public health nurse certificate to discipline under Code sections 2761, subdivision (a), as defined by 2762, subdivision (b), in that on two occasions, she used alcoholic beverages in a manner dangerous or injurious to herself, any other person, or the public. The circumstances are more particularly set forth in paragraph 16, and its subparts, above.

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**THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Drug and Alcohol-Related Convictions)**

18. Respondent has subjected her registered nursing license and public health nurse certificate to discipline under Code sections 2761, subdivision (a), as defined by 2762, subdivision (c), in that she was convicted of two crimes involving the consumption of alcoholic beverages. The circumstances are more particularly set forth in paragraph 16, and its subparts, above.

**AGGRAVATION OF PENALTY**

19. Complainant alleges, by way of aggravation of any penalty to be imposed in this matter, that on or about February 6, 1997, in the criminal matter entitled *People v. Janet Kay Wright* in Alameda County Superior Court, Respondent was convicted of violating Vehicle Code section 23152, subdivision (a), (Driving with a Blood Alcohol Level of .08% or Higher), a misdemeanor. The record of this criminal proceeding is incorporated as if fully set forth.

20. Complainant alleges, by way of aggravation of any penalty to be imposed in this matter, that on or about June 15, 2012, the Board's Diversion Program terminated Respondent for failure to comply with the terms of the program.

**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 478083, issued to Janet Kay Wright Vargas, a.k.a. Janet Kay Wright;
2. Revoking or suspending Public Health Nurse Certificate No. 49281, issued to Janet Kay Wright Vargas, a.k.a. Janet Kay Wright;

1           3.     Ordering Janet Kay Wright Vargas to pay the Board of Registered Nursing the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3; and

4           4.     Taking such other and further action as deemed necessary and proper.  
5

6 DATED: October 12, 2012

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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